

### REMARKS

In response to the Examiner's Final Office Action of June 2, 2005, Applicant has amended the claims to cure the indefiniteness referred to in paragraph 2.

Although this proposed amendment is submitted after Final Rejection, the change made to rejected independent claim one is submitted to distinguish patentably over the prior art as applied for the first time in the Final Rejection itself.

Claim 2 has been cancelled because the limitation relied upon for patentability now present in independent claim 1 has been drawn from this dependent claim.

More particularly, Borbolla (US Patent 6,664,467) is relied upon by the Examiner as showing rearwardly bent end portions for abutting the spaced raceway cover segments without being supported by the cover segments as called for in Claim 1 of the subject application.

In fact, Borbolla suggest the same overall configuration as that taught in the Handler reference (US Patent 5,879,185), namely, a configuration requiring that the device plate be located on the spaced end portions of the raceway cover segments.

Figure 4 clearly shows a gap between the raceway base 28 and the underside of the bracket 18, which gap is designed to accommodate the end portion of the raceway cover segment 30, as even more clearly shown in Figure 5.

See also the main claim in the '467 patent to Borbolla wherein Borbolla clearly requires "a portion of said mounting bracket configured to overlay a portion of the cover component of the raceway".

In the present application, the device bracket is designed to fit between the raceway cover segments as succinctly summarized in the abstract of the disclosure filed with the application. More particularly, and as set forth in the abstract of the disclosure, we are told, "This device bracket lies in the same plane as the cover segments so a cover plate can overlap these raceway cover segments."

Thus it is an important feature of the present invention that the overall assembly of device bracket and raceway base cover segments provide an non-obtrusive and low profile installation that is unlike the raised appearance of the prior art generally, and Borbolla and Handler in particular.

Handler, like Borbolla, employs the same geometry, and fails to show or suggest the advantages attached to locating the device bracket in substantially the same plane as that defined by the raceway cover segments.


In conclusion, the allowance of Claims 5 and 6 is respectfully acknowledged. However, favorably reconsideration of Claim 1 as further amended herein is earnestly solicited. Claims 3 and 4 are dependent from amended claim 1 and should be allowable therewith.

Should the Examiner have any questions on incorporating the limitation from dependent claim 2 in amended claim 1, Applicant's attorney can be contacted at the telephone number listed in order to discuss this claim language, versus the disclosures in the Barbolla reference, in greater detail.

Applicants believe that no fees are due at this time; however, any deficiencies may be charged to our Deposit Account No. 13-0235.

Respectfully submitted,

By

  
John C. Hilton  
Registration No: 22,965  
Attorney for Applicants

McCORMICK, PAULDING & HUBER LLP  
CityPlace II, 185 Asylum Street  
Hartford, CT 06103-3402  
(860) 549-5290